

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ELECTRONIC PRIVACY
INFORMATION CENTER,

Appellee,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Appellee,

DAVID ANDREW CHRISTENSON,

Appellant.

No. 19-5121

**MOTION FOR A 35-DAY EXTENSION OF TIME TO FILE
A DISPOSITIVE MOTION**

Pursuant to Fed. R. App. P. 26 and 27, and D.C. Cir. R. 27(h), the government respectfully moves for a 35-day extension of time, to and including **January 6, 2020**, within which to file a dispositive motion.

1. Appellant David Andrew Christenson appeals a district court order denying intervention in the underlying litigation. On May 24, 2019, the Court held this case in abeyance pending a district court ruling on whether

appellant could pursue this appeal in forma pauperis. Pursuant to the clerk's scheduling order dated October 15, 2019, this case was returned to the Court's active docket, and the scheduling order directed appellant to submit case-opening documents by November 14, 2019. The scheduling order further noted that appellant's failure to comply with the order will result in dismissal of the case for lack of prosecution. *See* D.C. Cir. R. 38. The scheduling order also ordered appellees to file any dispositive motions by December 2, 2019.

2. As of this filing, appellant not filed any case-opening documents for this case, failing to comply with this Court's October 15, 2019 scheduling order. Given appellant's failure to comply with that order, the Court may dismiss the case for failure to prosecute. *See* D.C. Cir. R. 38. In the interim, the government respectfully requests a 35-day extension of the time to file a dispositive motion, to January 6, 2020. This extension will conserve the resources of the government and this Court, while preserving the government's ability to file a dispositive motion.

Respectfully submitted,

SHARON SWINGLE

/s/ Casen B. Ross
CASEN B. ROSS

202.514.1923

Attorneys

Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Ave., NW, Rm. 7270

Washington, D.C. 20530

November 2019

CERTIFICATION OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 262 words, according to the count of Microsoft Word.

/s/ Casen B. Ross

Casen B. Ross

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2019, I filed and served the foregoing document with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. The participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Casen B. Ross

Casen B. Ross
Counsel for Appellee,
U.S. Department of Justice